

APPENDIX 3

APPENDIX 3

DEPOSITION OF DEAN J. HAGER (January 6, 2012)

<i>ePlus Affirmative Designation</i>	Lawson Fairness Designations/ Summaries	<i>ePlus Objections to Lawson Fairness Designations</i>	<i>ePlus Objections to Lawson Fairness Summaries</i>
9:11 - 9:22	11:3-18, 16:18-17:11 (context for whole deposition)	401/402/403 (confusion of the issues)	Incomplete summary; Mischaracterizes testimony; parts of testimony relate to whether Mr. Hager was being compensated for testimony
12:6 - 12:12			
14:9 - 14:15			
17:21 - 18:8			
20:5 - 20:11			
20:17 - 20:22			
21:3 - 21:7			
22:14 - 22:20			
25:20 - 26:4	26:5 (objection)	LR 30(F)	
26:6 - 26:10			
26:22 - 27:3	27:4-5 (objection)	LR 30(F)	
27:6 - 27:16	27:17-18 (objection)	LR 30(F)	
27:19 - 28:1	28:2-5 (objection)	LR 30(F)	
28:14 - 28:16	28:17-28:22; 29:2-3 (context for discussion)	401/402; 403	Incomplete summary; Witness admits that he was involved in preparation of letter and with drafts of letter
29:19 - 29:22	30:1 (objection)	LR 30(F)	
30:3 - 30:17	30:18 (objection)	LR 30(F)	
31:1 - 31:9	31:10-11; 31:13-14 (context of answer)		
31:15 - 32:1			
33:12 - 33:18			
34:4 - 34:6	34:7 (objection)	LR 30(F)	
34:8 - 34:12			
43:2 - 43:5	43:6 (objection)	LR 30(F)	
43:8 - 43:11	43:12 (objection)	LR 30(F)	
43:13 - 43:15			
44:4 - 44:11	44:12 (objection)	LR 30(F)	

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44:13	44:21-45:1, 45:3-11, 45:15-16 (context - all conversations with customers were about the process, not functional changes)		Incomplete summary; Mischaracterizes testimony; witness first gives testimony that "almost all" of conversations with customers were about the process, and later states that he "[does not] recall" having any conversations with customers about the functional changes
45:17 - 45:19	45:20 (objection)	LR 30(F)	
46:1 - 46:7			
46:13 - 47:1			
47:11 - 48:1	48:2-3 (objection)	LR 30(F)	
48:5 - 48:12			
50:22 - 51:1			
51:5 - 51:11			
52:15 - 52:16	52:17 (objection)	LR 30(F)	
52:18 - 53:11			
53:13 - 53:18	53:19-54:7 (giving full context)		
54:19 - 55:15	55:16 (objection)	LR 30(F)	
55:17			
55:22 - 56:8	56:9 (objection)	LR 30(F)	
56:11 - 56:14			
60:2 - 60:22	61:1-2 (objection)	LR 30(F)	
61:3			
61:16 - 64:12	67:12-15 (full answer to question); 357:11-362:7, 362:9-363:11, 363:13-18, 363:21-21, 364:8-365:5, 365:7-367:5, 367:19 (necessary context for discussion of exhibit)	106 (incomplete designations-answer only); 401/402/403; 611 (c)	
67:16 - 68:2	68:3-4 (objection)	LR 30(F)	
68:6 - 69:7	69:8-9 (objection)	LR 30(F)	
69:11			
71:5 - 71:7	71:8-9 (objection)	LR 30(F)	
71:11 - 71:14	71:15 (objection)	LR 30(F)	

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71:16 - 71:17	71:18-22, 72:3-6 (full answer to question)		Incomplete summary; Mischaracterizes testimony; designation relates to an entirely new question and answer, does not provide a "full answer to question"
73:15 - 74:2	74:3 (objection)	LR 30(F)	
74:4 - 74:15	74:16-20 (context for answer)		Mischaracterizes testimony; testimony is a separate question and answer, not context for answer
74:21 - 75:1			
75:4 - 75:6			
75:8 - 75:12	75:13-76:1 (fuller context of exhibit being discussed)		
76:2 - 76:7			
77:13 - 78:5			
78:17 - 79:6			
79:20 - 79:21			
80:2 - 80:12			
80:16 - 81:1	81:2 (objection)	LR 30(F)	
81:3 - 81:9	81:10-15 (full context to discussion and objection); 353:5-354:3 (context for discussion of exhibit)	LR 30(F); 401/402/403; 611 (c)	
81:16 - 81:20	81:21 (objection)	LR 30(F)	
81:22			
82:21 - 83:6			
84:20 - 85:3	83:21-84:14, 84:16-19, 85:4-6 (full context to discussion and objection)	LR 30(F); 401/402/403 (confusion of the issues)	Incomplete summary; Mischaracterizes testimony; affirmatively designated testimony clearly establishes witness had no reason to doubt that he had a staff meeting concerning mitigation strategies on or about March 30
85:9 - 86:12	86:16 (objection)	LR 30(F)	
86:15 - 86:20			
91:3 - 91:10	88:12-89:22, 89:2-7, 91:13-15 (full context of question)	106 (incomplete designation-question only); 401/402/403 (confusion of the issues)	Incomplete summary; Mischaracterizes testimony; question assumes third-party alternate solution

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91:12	91:11 (objection)	LR 30(F)	
92:10 - 92:15	92:16-17 (objection)	LR 30(F)	
92:18 - 93:1	93:2 (objection)	LR 30(F)	
93:3 - 93:4			
93:6 - 93:9	93:11-15 (objection)	LR 30(F)	
93:16 - 94:3			
97:17 - 97:21	98:9-11 (complete answer to question)		Incomplete summary; Mischaracterizes testimony; fairness designation is a completely new question and answer, not needed to provide a "complete answer to question"
98:19 - 99:15	99:16 (objection)	LR 30(F)	
99:18 - 99:21			
104:3 - 104:8	103:15-104:2 (context for question)		
104:12 - 104:19	104:9-10 (objection); 368:7-20, 369:6-17, 369:19-4, 370:10-12 (necessary context for discussion)	LR 30(F); 611 (c)	Incomplete summary; Mischaracterizes testimony; witness discussing different exhibits
105:5 - 105:8	104:20-105:4 (objection)	LR 30(F)	
105:11 - 105:18	105:9-10 (objection)	LR 30(F)	
105:20 - 106:1	105:19 (objection)	LR 30(F)	
106:6 - 106:19			
110:22 - 111:1			
111:4 - 111:7			
111:11 - 111:18			
112:1 - 112:5			
112:12 - 112:14			
113:14 - 114:19			
115:4 - 115:9			
115:21 - 116:17	116:18 (objection)	LR 30(F)	
116:21 - 117:5			
117:15 - 117:17			
117:19 - 118:22			
119:3 - 119:8	119:1-2 (objection)	LR 30(F)	
119:12 - 120:5	119:9-10 (objection)	LR 30(F)	
120:7 - 120:9	120:6 (objection)	LR 30(F)	

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120:11 - 120:14	120:10 (objection)	LR 30(F)	
120:16 - 121:3	120:15 (objection)	LR 30(F)	
121:5	121:4 (objection)	LR 30(F)	
125:7 - 126:2	121:6-8, 121:11 (complete answer and objection)	LR 30(F)	
126:8 - 126:13			
127:9 - 127:11			
128:3 - 128:10			
128:21 - 129:1			
129:5			
129:8 - 129:20	129:21-130:6 (complete context of discussion)		
130:7 - 131:5			
131:9 - 131:19	131:7 (objection)	LR 30(F)	
131:21 - 132:8	131:20 (objection)	LR 30(F)	
132:13 - 132:17	132:9-12 (objection)	LR 30(F)	
133:3 - 133:4	133:5 (objection)	LR 30(F)	
133:6 - 134:4	134:5-6 (objection)	LR 30(F)	
134:7 - 134:11	134:12-16 (complete answer)	401/402; 403 (waste of time)	Incomplete summary; Mischaracterizes testimony; fairness designation is an additional question and answer, not needed to provide a "complete answer"
138:21 - 139:1			
139:4 - 139:6			
139:8 - 139:17	139:18-140:12 (context for exhibit being discussed)		
143:10 - 143:13	143:2-9 (context for question); 143:14 (objection)	LR 30(F)	Incomplete summary; designation does not provide context for following question
143:15 - 144:2	144:3 (objection)	LR 30(F)	
144:5	144:6, 144:8-9 (context for question)		
144:10 - 144:20			
145:21 - 146:5	145:8-11, 145:18-20 (context for question and answer)		
146:11 - 146:13	146:14-16 (objection)	LR 30(F)	

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146:17	146:18-19 (objection)	LR 30(F)	
146:20 - 147:5	147:6-11 (full context of discussion)		
147:12 - 147:13	147:14-17 (instruction to witness not to disclose conversations with counsel)	LR 30(F)	
147:18 - 148:2	148:3 (objection)	LR 30(F)	
148:4 - 148:5			
148:8 - 148:17			
149:7 - 149:11			
149:18 - 149:19			
149:22 - 150:3			
150:5 - 150:6	150:7 (objection)	LR 30(F)	
150:8 - 150:9	150:10-13 (fuller context of exhibit being discussed)		
150:14 - 150:18			
150:21 - 151:6			
155:10 - 155:14	155:15 (objection)	LR 30(F)	
155:17 - 156:15	157:3-6, 157:8-16 (context for exhibit and answers relating thereto)		Incomplete summary; designates further question and answers, but not for context of referenced exhibit and discussion
158:11 - 158:22			
159:7 - 159:13	159:14-15 (context for discussion)		
159:16 - 160:11	160:12-21 (context for discussion)		
160:22 - 161:4	162:15-163:4 (context for discussion)		
161:12 - 161:21	164:2-3, 164:7 (complete answer to question)		Incomplete summary; Mischaracterizes testimony; fairness designation is an additional question and answer, not a "complete answer to question"
162:2 - 162:14			
163:10 - 164:1			
164:8 - 164:20			
165:7 - 165:15			

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169:19 - 170:5	166:12-20, 167:22-167:22, 168:2-7 (context for exhibit and discussion); 351:11-352:19 (context for discussion of exhibit)	LR 30(F); 401/402/403 (cumulative); 611(c)	
170:8 - 170:10	170:6 (objection)	LR 30(F)	
170:19 - 171:1	170:11-13, 170:17-18 (complete context of discussion)	401/402/403 (cumulative)	
171:10 - 172:4			
172:6 - 172:7			
172:10 - 172:12			
172:20 - 173:7			
173:22 - 175:3	173:13-15 (context for exhibit and discussion)		
175:11 - 175:14			
175:16 - 175:17			
176:5 - 176:22	177:1 (objection)	LR 30(F)	
177:10 - 177:11			
178:22 - 180:5			
182:9 - 182:15	182:16-20 (context for discussion of this exhibit)		
183:4 - 184:9			
184:13 - 185:7	185:8 (objection)	LR 30(F)	
185:10 - 185:21	185:22 (objection)	LR 30(F)	
186:1	186:2-8 (necessary completion for context of exhibit); 346:17-18, 347:1-349:18; 349:22-351:10 (context for discussion of exhibit)	401/402/403; 116(c)	Incomplete summary; Mischaracterizes testimony; fairness designation is an additional question and answer, not "necessary completion for context of exhibit"
188:3 - 188:4			
188:7 - 188:9	188:10-16 (context for discussion of exhibit)		
188:17 - 190:11	190:12-13 (objection)	LR 30(F)	
190:14 - 190:15	191:1-12	401/402/403; LR 30(F)	

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191:21 - 192:11	192:12, 192:14-15 (necessary completion to discussion of exhibit)		Incomplete summary; Mischaracterizes testimony; fairness designation is an additional question and answer, not "necessary completion to discussion of exhibit"
193:7 - 193:20	193:21-22 (objection)	LR 30(F)	
194:1 - 194:11	194:12-13 (objection)	LR 30(F)	
194:14 - 194:18	194:19-20 (objection)	LR 30(F)	
194:22 - 195:2	196:2, 196:4-7 (context for discussion)		
196:8 - 196:22			
197:4 - 197:10	198:3-11 (fuller answer and context for question)		
199:18 - 199:20			
200:1 - 200:4			
200:8 - 201:14			
201:19 - 203:1	203:2 (objection)	LR 30(F)	
203:5 - 203:17	203:18-21 instruction to witness not to discuss substance of conversations with counsel)	LR 30(F)	
206:12 - 206:16	206:17 (objection)	LR 30(F)	
206:18 - 206:21	206:22-207:1 (objection)	LR 30(F)	
207:3 - 207:11	207:12-14 (more complete answer to question and context)	401/402/403	
207:22 - 208:1			
208:4 - 208:9	208:10-11 (objection)	LR 30(F)	
208:13 - 208:14	208:15-17, 208:19 (context for answer)		
208:20 - 209:1	209:2-3 (context for answer)		
209:20 - 210:6			
210:12 - 210:20			
211:3 - 211:6			

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211:10 - 211:12	211:13-212:1, 212:4-8 (context for exhibit and discussion; objection), 343:9, 343:21-345:16, 346:1-16 (context for discussion of exhibit)	401/402/403; 116(c)	
212:9 - 212:13	213:7-15 (objection to presentation of whole exhibit)	LR 30(F)	
213:19 - 214:6	214:7-15 (objection)	LR 30(F)	
214:18 - 214:22	215:1 (objection)	LR 30(F)	
215:2			
216:5 - 216:8	18:9-20:4, 215:19-216:4 (context for whole discussion of exhibit)		
216:11 - 216:15			
217:4 - 217:10			
217:20 - 218:9	217:11-19 (context for exhibit)		
218:14 - 219:5	219:6 (objection)	LR 30(F)	
219:8 - 219:9	219:10-13 (context for discussion)		
219:14 - 219:19	219:20 (objection)	LR 30(F)	
219:21 - 220:3	220:4 (objection)	LR 30(F)	
220:5 - 220:8	220:11-15, 220:17-20 (context for discussion)		
220:21 - 221:6	221:7-12 (context for discussion)		
229:8 - 230:1	230:2-231:4, 231:6-11 (context for exhibit)	401/402; 403 (waste of time)	
231:12 - 232:9	235:4-11 (context for discussion)		
233:10 - 233:14			
238:18 - 238:21			
244:22 - 245:8			
245:12 - 245:18	245:19-246:3, 246:5-6 (context for answers and for exhibit discussion)	401/402/403 (cumulative)	
246:11 - 246:13	246:14 (objection)	LR 30(F)	
246:15 - 247:7			
250:16 - 251:8	251:9 (objection)	LR 30(F)	
251:10 - 252:2	252:3 (objection)	LR 30(F)	
252:4 - 252:9	252:10 (objection)	LR 30(F)	
252:11 - 252:14			

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253:5 - 253:12			
253:21 - 254:4	254:5 (objection)	LR 30(F)	
254:6 - 254:7			
254:10 - 254:11			
254:14 - 254:16	254:18-21 (context for discussion of exhibit)	401/402/403	Incomplete summary; Witness testified immediately afterward that he is copied on the email chain
254:22 - 255:1	255:2-5 (objection)	LR 30(F)	
255:6 - 255:22	256:18-20 (objection)	LR 30(F)	
256:11 - 256:17			
257:1 - 257:10	257:11-12 (objection)	LR 30(F)	
257:13 - 257:18	257:19-21, 258:4-8 (context for answers as to exhibit)	401/402/403 (cumulative)	
259:2 - 259:8	259:13-20 (context for discussion of exhibit)		
259:21 - 260:15	260:16-20 (context for discussion)	LR 30(F)	
260:21 - 261:9	261:10-12 (context for discussion of exhibit)		
261:13 - 262:13			
263:9 - 263:12			
265:9 - 265:15			
267:7 - 267:9			
267:17 - 267:22	268:1-11 (context for discussion of exhibit)	401/402/403	
268:12 - 269:4	269:5-7, 269:10-13 (context for discussion)		
269:14 - 269:16	269:18-19 (objection)	LR 30(F)	
269:22 - 270:1			
271:13 - 272:10	272:11-12 (objection)	LR 30(F)	
272:14 - 272:22	273:1-12 (context for discussion of exhibit)		
273:13 - 273:16	274:20-275:8 (context for discussion)		
275:9 - 276:6	276:7-12 (context for discussion)		
278:17 - 279:9			

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282:11 - 282:17			
285:22 - 286:7	286:8 (objection)	LR 30(F)	
286:9 - 286:10	282:18-285:21 (context for discussion; objections)	LR 30(F); 401/402; 403	Mischaracterizes testimony; designations refer to discussion conducted completely between counsel, not context for discussion about communication from Mr. Debes
286:12 - 286:14			
287:2 - 287:14			
288:6 - 288:14	288:15-17, 289:19-22, 290:16-291:7 (context for discussion of exhibit)	401/402/403 (cumulative)	
288:22 - 289:14	289:15 (objection)	LR 30(F)	
289:17 - 289:18			
290:1 - 290:4	290:5 (objection)	LR 30(F)	
290:6 - 290:15			
291:8 - 292:2			
292:9 - 292:15	292:16-19, 292:21-22 (full context of answer)		
293:1 - 294:5			
300:5 - 300:21	300:22-301:5 (context for discussion of exhibit)		
303:20 - 304:1			
313:1 - 313:3	313:4 (clarification by counsel)	LR 30(F)	
313:5 - 313:6	313:19-21, 314:3-7, 314:19-19 (context for discussion)		
316:1 - 316:17	314:21-315:22 (context for ensuing discussion)		
317:2 - 317:5	317:6 (objection)	LR 30(F)	
317:7 - 317:8			
317:13 - 317:15			
318:2 - 319:8			
319:17 - 320:9	320:10-321:1 (context for answer)		
321:14 - 321:21			
322:8 - 322:14	322:5-7 (context for answer as to meaning of POF); 322:5 (objection)	LR 30(F)	

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322:16 - 323:5			
323:12 - 324:11	324:12-13 (objection)	LR 30(F)	
324:15 - 324:16	324:17-325:2 (context for discussion and exhibit); 354:4, 354:7-356:1, 356:6-19, 356:21-357:1 (context for discussion of exhibit)	401/402/403; 116(c)	
325:22 - 326:5			
326:7 - 326:9			
327:19 - 327:20			
328:3 - 328:6			
328:10 - 329:13	329:14 (objection)	LR 30(F)	
329:15 - 330:1			
330:8 - 330:10	330:6-7, 330:16-331:6 (context for discussion and exhibit); 330:11,13 (objection)	401/402, 403 (cumulative); LR 30(F)	Witness clearly testified that the e-mail was sent to Jennifer Langer, not Lawson customer
330:12			
331:14 - 331:16	331:17 (objection)	LR 30(F)	
331:18 - 331:20			
332:8 - 332:20			
333:2 - 333:4			
333:14 - 333:16			
333:20	333:21 (objection); 334:8-12, 334:22-335:4, 337:11-18 (context for discussion of exhibit)	401/402, 403 (waste of time); LR 30(F)	Witness clearly testified that he is referenced in the e-mail and understood the e-mail
333:22 - 334:3			
335:19 - 336:10	336:11-20 (context of discussion of exhibit)	LR 30(F)	Incomplete summary
336:21 - 337:6			
338:12 - 339:7	337:19-338:1 (context for discussion of exhibit)	401/402/403 (cumulative)	
339:21 - 340:11			
340:21 - 341:1	341:2 (objection)	LR 30(F)	
341:3 - 341:21	341:22-342:2 (objection); 342:17-19, 343:1-8 (context for discussion of exhibit)	LR 30(F); 401/402/403; 611 (c)	

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342:5 - 342:10			
371:22 - 372:6			
373:7 - 373:21	372:22-373:6, 374:20-22 (context for question and answer); 373:22 (objection)	401/402/403 (cumulative)	
374:8 - 374:13	374:14-15 (objection)	LR 30(F)	
374:16 - 374:19			
375:17 - 376:4	376:5-6 (objection)	LR 30(F)	
376:8 - 376:20	376:21-22 (objection)	LR 30(F)	
377:5 - 377:17			
380:22 - 381:2	381:3 (objection)	LR 30(F)	
381:4 - 381:5			